

EXHIBIT “1”

JRF/lmr/43595

0380-5535

UNITED STATES DEPARTMENT OF THE INTERIOR

OFFICE OF HEARINGS AND APPEALS

139 East South Temple, Suite 600

Salt Lake City, Utah 84111

Phone: 801-524-5344

OMAR STRATMAN,

Protestant

v.

LEISNOI, INC.,

Respondent

KONIAG, INC.

BUREAU OF INDIAN AFFAIRS,

Intervenors.

IBLA 96-152

No. A76-0132 CV (JKS)

Challenge to the eligibility of Woody Island
as a Native village under Section 11(b)(3)
of the Alaska Native Claims Settlement
Act, 43 U.S.C. §1610(b)(3) (1994)

RESPONDENT, LEISNOI, INC.'S, OPENING BRIEF

DATED this 7th day of December, 1998.

Respectfully submitted,



JOHN R. FITZGERALD
McALPINE, PEULER & COZAD
701 South Peters Street, Suite 300
New Orleans, Louisiana 70130
Telephone: (504) 561-0323
Telefax: (504) 528-9442
Attorneys for Leisnoi, Inc.

274. L-Doc 2 is an inventory of the John Green Brady papers. John G. Brady was the Governor of Alaska from 1897-1906. His papers include an October, 1861 historical review of progress of the Russian American Company authored by B. P. Tekhmenieff, L-Doc 2 at page 9; a June 17, 1902 letter from Governor Brady to Rev. Curtis P. Coe on Wood Island about a change in position, L-Doc 2 at page 11; correspondence with the Secretary of the Interior in Washington, DC regarding the Alaska exhibit at the St. Louis World Exposition, L-Doc 2 at page 21; and a November 3, 1905 letter to the School Board, Longwood District, Wood Island relating to school money matters, L-Doc 2 at page 36. L-Doc 2 is relevant to show the affairs of the Natives on Wood Island and that their relationship with the governing authorities have been a documented part of Alaska history for many years. The document also corroborates the Alaskan participation in the St. Louis World Exposition, a matter that was subject of testimony by Frank Feichtinger who described how Native Woody Islanders participated in the exposition.
275. L-Docs 3-8 are Alaska Heritage Resource Surveys of various archaeology sites that have been located on Woody Island. Some of these sites, for example, KOD-018 described in L-Doc 3 date back to the early Kachemak era. Others, such as KOD-136, L-Doc 7, are archaeological remnants of "An agricultural colony from the time of the arrival of the Russians." L-Doc 7 also describes how "in 1852 through 1872 the Russian American Ice Company cut and packed around 10,000 tons of ice from Lake Tanignak each winter for shipping points as far as California, Mexico, and Central and South America. For packing the ice a water-powered mill was built to

produce sawdust. From 1870 to 1880 the Alaska Commercial Company had a monopoly on the ice business. The island produced logs for houses, boats, and fortifications...The island was the site of the first baptist mission orphanage in Alaska." L-Doc 7. These Alaska Heritage Resource Surveys are relevant to show the Native use and occupancy of Woody Island extends back centuries, and also to show that the history of Woody Island in many respects constitutes a microcosm of the history of the state of Alaska.

276. L-Doc 9 is the original Articles of Incorporation adopted by Leisnoi, Inc. as recorded with the State of Alaska on April 20, 1973. The named incorporators include Tina Simeonoff Hoen, who testified at the hearings in Kodiak, as well as Nick Pavloff, Johnny Maliknak, and Mary Chya. The Articles were attested to by Karl Armstrong. The Articles of Incorporation are relevant to show the involvement of a number of the Natives whose links with Woody Island were described in testimony at the hearings, and also to show that Leisnoi, Inc. is the corporate entity formed pursuant to the Alaska Native Claims Settlement Act as the Village Corporation of the Natives enrolled to the Native Village of Woody Island.
277. L-Doc 10 is the September 25, 1911 Certificate of Birth of Kelly Simeonoff in the Kodiak Recording District. The information contained in this document was incorporated into L-Chart 5, the Fadaoff Family Genealogy Tree.
278. L-Doc 11 is the Russian Orthodox baptismal record and family tree chart concerning the family background of Leisnoi shareholder Dorothy Bactad. The document is

relevant to show background genealogy information of a Native that enrolled to the Native Village of Woody Island.

279. L-Doc 12 is the April 4, 1965 Certificate of Death of Mary Ponchene Pavloff. The document establishes that Mary Ponchene Pavloff was the daughter of Florence Ponchene and Nick Pavloff. Data in L-Doc 12 was incorporated into the Pavloff Family Genealogy, L-Chart 6.
280. L-Doc 13 is the Certificate of Incorporation of Leisnoi, Inc. The document establishes that Leisnoi was duly incorporated on April 20, 1973.
281. L-Doc 14 was withdrawn.
282. L-Doc 15 is the August 31, 1954 Certificate of Birth of Joseph Francis Fadaoff, who testified live at the proceedings in Anchorage. The document establishes that Joseph was the son of Edson Nicholas Fadaoff and Mary Ponchene Fadaoff, and that the usual place of residence of his mother was Woody Island. Information contained in L-Doc 15 was incorporated into the Fadaoff Family Genealogy, L-Chart 5.
283. L-Doc 16 is the March 17, 1959 Certificate of Birth of Leisnoi shareholder and 1960s resident David James Fadaoff. The document establishes that he is the son of Leisnoi shareholder Alexander John Fadaoff, Sr. Information contained in L-Doc 16 was incorporated into the Fadaoff Family Genealogy, L-Chart 5.
284. L-Doc 17 is the July 2, 1937 Certificate of Birth of Michael Nicholas "Mitch" Gregoroff, who testified live at the proceedings in Anchorage. L-Doc 17 establishes that Mitch Gregoroff is the son of Leisnoi shareholder Anastasia "Nettie" Fadaoff, and

shows that Mitch Gregoroff was born on Woody Island. Information contained in L-Doc 17 was incorporated into the Fadaoff Family Genealogy, L-Chart 5.

285. L-Doc 18 is a July 31, 1973 Extension of the Kodiak Baptist Mission Grazing Lease of Alaska Lands on Woody Island. The document corroborates some of the long history the Baptist Mission has had on Woody Island.

286. L-Doc 19 is the June 28, 1916 Certificate of Birth of Natalie Fadaoff. It establishes that she is the daughter of Fekla "Ella" Balamoutoff (later known as Ella Chabitnoy) and Nicholas J. Fadeef. The document shows that Natalie Fadaoff was born on Woody Island and that both of her parents lived on Woody Island. Information contained in L-Doc 19 was incorporated into the Fadaoff Family Genealogy, L-Chart 5.

287. L-Doc 20 is the 1932 Certificate of Death of Nicholas Fadaoff. The document establishes that he had been married to Ella Fadaoff and lived on Woody Island. This document also listed the names and addresses of his living children as being "Nettie, Julia, Marjorie, Edson, Bud, James", all living on Woody Island. The document lists the names and addresses of persons who were acquainted with the decedent during his lifetime as including Nicholas Pavloff of Woody Island, Alaska, Gabriel Lowell of Woody Island, Alaska, and Mrs. Dora Miller of Woody Island, Alaska. L-Doc 20, establishing that Nicholas Fadaoff was born December 9, 1885, is relevant to show the long historical ties the Fadaoff family has to Woody Island, and also to corroborate the information contained in L-Chart 5, the Fadaoff Family Genealogy.

288. L-Doc 21 is the December 30, 1879 San Francisco publication of "The Alaska Appeal", a semi-monthly publication that contained information about Alaska. The document lists the 1879 population of Woody Island as being 167, comprised of 62 Creoles, 1 American, and 104 Aleuts. The document is relevant to show the historic occupancy and use of Woody Island by Alaska Natives.
289. L-Doc 22 is an inventory of the Alaska Russian Church Archives obtained from the records of the Russian Orthodox Greek Catholic Church of North America--Diocese of Alaska. At page 118, the document contains a listing of church archives pertaining to Woody Island. Buildings belonging to the "American Russian Commercial Company" dating back to 1869 are referenced. Nicoli Pavloff is shown to have been a student in the year 1891. The name of the Psalm reader for Wood Island in 1903 was also listed. The document is relevant to show the longstanding relationship between the Native Woody Islanders and the Russian orthodox Greek Catholic Church of North America.
290. L-Docs 23-25 are a series of columns authored by columnist Jack Anderson in February and March of 1979 wherein he complains that the phrase "native villages" was "defined in terms so loose as to invite fraud.", and he alleges that regulations adopted by the Secretary of the Interior were "vague". L-Doc 23 is relevant in that the Jack Anderson column led to a public perception that the Native Village of Woody Island may not have been properly certified, an issue that has festered over the years, ultimately resulting in a review of the certification being conducted by this Administrative Law Judge on behalf of the Interior Board of Land Appeals.

291. L-Doc 26 is a May 4, 1978 Status Report to the Leisnoi board members describing the work being done to refurbish the FAA housing units, and contains some information about the roofing contract and the painting contract. The document is relevant to show Leisnoi, Inc.'s efforts to repopulate Woody Island shortly after receiving land patents on Woody Island.
292. L-Doc 27 is a November 1, 1974 letter from the United States Department of the Interior to Karl Armstrong, President of Leisnoi, Inc. The letter responds to Karl Armstrong's request for assistance to improve housing on Woody Island. The document is relevant to show the desire of Leisnoi, Inc. to repopulate Woody Island shortly after Leisnoi, Inc.'s incorporation.
293. L-Doc 28 are diary journal entries made by Karl Armstrong in 1975. The documents show that Karl Armstrong was active in Native politics and Native affairs. Nothing in the diary entries reveals any improper motives or improper conduct on the part of Karl Armstrong, so the document is relevant to negate the suggestion by Protestant that Karl Armstrong had somehow conspired to defraud the government.
294. L-Doc 30 is a November 27, 1972 letter written by Karl Armstrong, Secretary of Koniag, Inc., to Congressman Nick Begich asking that lands be withdrawn in order to assure that Woody Island Village would have a proper land selection area. The document is relevant to show that Karl Armstrong was advocating the interests of the Native Village of Woody Island even before Leisnoi, Inc. had been incorporated.
295. L-Doc 31 is a November 28, 1972 letter from Karl Armstrong to John Wright, the President of the Alaska Federation of Natives. In it, Karl Armstrong asks for

Mr. Wright's assistance in getting the Secretary of the Interior to withdraw land to assure Woody Island Village has a proper and adequate land selection area. The document has the same relevance as L-Doc 31.

296. L-Doc 32 is a November 27, 1972 letter from Karl Armstrong to Harry Carter, the Commissioner of the Federal-State Land Use Planning Commission requesting a land withdrawal of 25 townships for Woody Island land selection area. This document has the same relevance as L-Docs 30 and 31.
297. L-Doc 33 is a January 30, 1973 letter by Karl Armstrong to Maurice Thompson, the Area Director of the Bureau of Indian Affairs. It refers to Woody Island as being an "ancient and historic" village, and requests that 25 township withdrawal area be designated immediately for Woody Island in order to begin the land selection process. The document has the same relevance as does L-Docs 31-32.
298. L-Doc 34 is a June 21, 1973 letter from Karl Armstrong, Secretary of Koniag, Inc. to Roy Peratrovich, Area Superintendent for the Bureau of Indian Affairs. Karl Armstrong requests "the green light to permit Woody Island villagers to occupy the FAA housing project...It is a shame to see it remaining unoccupied and steadily deteriorating since our villagers need this housing so very desperately." The letter is relevant to show the intent of the Woody Island villagers to return to Woody Island.
299. L-Doc 35 is a September 21, 1973 letter from Karl Armstrong, Director of the Land Division of Koniag, Inc., to Roy Peratrovich, Superintendent of the Bureau of Indian Affairs in Anchorage. Mr. Armstrong urges "the greatest possible speed in obtaining

jurisdiction and occupancy" of the FAA Woody Island housing project." The document has the same relevancy as does L-Doc 34.

300. L-Doc 36 is a November 27, 1972 letter to U. S. Senator Mike Gravel from Karl Armstrong informing the Senator that Koniag has unanimously approved the request that the Interior Secretary act to withdraw 25 townships to assure a proper land selection area for Woody Island Village. The letter has the same relevance as L-Docs 30 through 33.
301. L-Doc 37 is a November 27, 1972 letter from Karl Armstrong to Senator Ted Stevens containing the same information and having the same relevancy as L-Doc 36 written to Alaska's other senator.
302. L-Doc 38 is a March 15, 1973 letter from Karl Armstrong, Secretary of Koniag, Inc. to Postmaster William Lamme asking what the procedure is to obtain a zip code for Woody Island. The letter states "We anticipate a number of additional people will soon move from Kodiak to Woody Island, probably about 12 to 16 families." The document is relevant to show the intent of the Native Woody Islanders to move back to Woody Island, as well as to show the permanency of the connection of the Native Woody Islanders to Woody Island.
303. L-Doc 39 is an October 6, 1976 letter from Karl Armstrong, President of Leisnoi, Inc., to the District Engineer for the Army Corps of Engineers. Karl Armstrong requests that District Engineer "Please inform us what the correct procedure is to get a small boat harbor facility for Woody Island located about one and one-half miles from the city of Kodiak? Approximately 12 to 16 families are moving to Woody

Island...and a harbor is needed. We would like to have a channel dredged along about 600 feet of the outlet of Ice House Lake as well as have the lake basin dredged to a depth to accomodate small boats. How do we begin? What do we need to do?"

The document is relevant to show the desire of Leisnoi, Inc. to make Woody Island more accessible by small boats so as to facilitate Native Woody Islanders being able to live on Woody Island and commute to Kodiak.

304. L-Doc 40 is a partially illegible telefax sent to an attorney in Washington, DC requesting assistance in obtaining permission so the Woody Island villagers can use the FAA housing complex. The document has the same relevancy as L-Docs 33 through 34.
305. L-Doc 41 is another telefax from Karl Armstrong, this time to the Deputy Assistant Secretary of the Department of the Interior requesting permission to use and occupy the FAA housing units. The document has the same relevancy as does L-Doc 40.
306. L-Doc 42 is another telefax by Karl Armstrong, this time to the Area Director of the BIA requesting permission to use and occupy the FAA housing facility on Woody Island. Once again, the document is relevant to show the desire and intent of the Woody Island villagers to live on Woody Island.
307. L-Doc 43 is another telefax by Karl Armstrong, this time to Senator Ted Stevens in April of 1973 seeking permission to occupy the FAA housing units. The document has the same relevancy as does L-Doc 42.
308. L-Doc 44 appears to be a duplicate of L-Doc 43.

309. L-Doc 45 is a May 26, 1930 decision by the United States Circuit Court of Appeals for the Ninth Circuit in Armstrong v. United States. It sets aside a conviction on manslaughter of Karl Armstrong, Sr., who shot a man after he learned "of improper relations between his wife and decedent." The problems Karl Armstrong, Sr. had with the law are relevant to this case, because the incident resulted in Karl Armstrong's wife, Afanasiia Rysev, moving to Woody Island. She was the mother of Karl Armstrong, Jr., who later became active in Leisnoi, Inc.'s formation.
310. L-Doc 46 is the transcript of a January 24, 1996 recorded interview by Frank Feichinger with Leisnoi shareholder Dorothy Metrokin Bactad. Dorothy Bactad entered the orphanage on Woody Island in 1924 and stayed there until 1936. She stated that the reason she ended up in the orphanage was because "our parents drank too much alcohol and were fighting all the time." (Doc 46 at pp. 5, 63.) Dorothy Bactad did not enjoy her experiences at the orphanage. She stated that the orphanage was "like institutions, like a prison cell." (Doc 46 at p. 29.) She related an incident involving one child who "was about maybe five or six, and she -- from this flu or cold she had she had diarrhea, and she'd messed in the bed." The matron, Mrs. Sorenson then drew cold water in the bathtub, put the child in it with the dirty sheets, and the child died the next day. (Doc 46 at pp. 28-29.) This same matron later "choked my sister for speaking to the boys when they brought the milk containers in from milking...and she choked my sister Emma till her tongue came out." Doc 46 at p. 29. She further described how the superintendent of the Mission "was terrible. When you did wrong, he'd wait until it was time to eat, and then he'd tie your hands behind

your back and he'd take that long whip with the lashes at the end, you know...and just do like that to them, like you see in the westerns, until that thing just wound around you and then if you start crying, which we couldn't help it, and -- and he heard you crying, he -- his eyes -- he'd look at you and his eyes would get big..." (Doc 46 at pp. 35-36.) Dorothy Bactad stated that the cause of the Mission burning down was a boy who turned up the heat too far on the oil furnace. (Doc 46 at pp. 18-19.) Dorothy Bactad recalled Ella and Nick Fadaoff as well as their daughters Natalie Fadaoff, and Julia Fadaoff. (Doc 46 at p. 52.) She also recalled Mike Chabitnoy on Woody Island, and described his house as having been built on a sandy bank. (Doc 46 at p. 52.) Doc 46 is relevant to show the longstanding ties to Woody Island of Leisnoi shareholder Dorothy Bactad, as well as to evidence the effect of the orphanage on the Native Woody Islanders, and the role that it played in the history of Woody Island.

311. L-Doc 47 is an October 22, 1974 letter by an assistant to Ted Stevens to Karl Armstrong, President of Leisnoi, Inc., describing the procedure to participate in the Bureau of Indian Affairs Housing Improvement Program. The document is relevant to show the continued intent of the Native Woody Islanders to want to return and live on Woody Island.
312. L-Doc 48 is a biographical sketch of Senator Fred Zharoff, who testified at the hearings in Kodiak. The document shows that Senator Zharoff has had a distinguished career and has been active in the community as well as in Native politics.

313. L-Doc 49 is a 1977 Arctic Anthropology publication on the Koniag inhabitants of the Island of Kodiak. The publication describes the early history of the Russian involvement with Kodiak. The publication describes Captain Yurii Lisianski's account of the "A Voyage Around The World In The Years 1803, 1804, 1805, and 1806", as well as an 1807 publication by Hieromonk Gideon on the history of the American Orthodox Spiritual Mission in Kodiak. At page 90, the document describes there being an "artel" on "Lesnoi Island." The article describes Aleut customs, traditions, and activities, including specifics on sea otter hunting, protocol for bringing of gifts when visiting neighbors, and ancestral oral traditions that were passed down through the generations. (Doc 49 at pp. 96-98.) Doc 49 is relevant to show that the Native Village of Woody Island has had an active Native community predating contact even by the Russians. This supports the proposition that the Native Village of Woody Island is a traditional and historic Native Village.
314. L-Doc 50 is an October 7, 1977 article in the Kodiak Daily Mirror pertaining to a crab pot gear storage area to be utilized on Woody Island. The document was used by Frank Feichtinger to weed out a possible name on the list of persons who had lived for a period of time on Woody Island in 1970, since it showed that the crab pot storage was in 1977, rather than in 1970.
315. L-Doc 51 is the transcript of a March 30, 1998 interview by Frank Feichtinger's assistant, Kathleen Putman, with Anna Bowers, who testified at the hearings in Anchorage. The transcript recounts Ms. Bowers' stepmother having been raised in the Mission, and how Anna Bowers herself was in the Mission for one year. As in

her live testimony, Ms. Bowers told Kathleen Putman that she had visited Yule Chaffin on Woody Island in 1970. The document adds some depth to the testimony given by Anna Bowers in Kodiak.

316. L-Doc 52 is a March 21, 1997 Anchorage Daily News article about modern research into the cause of the 1918 Spanish Flu epidemic that hit "native settlements particularly hard." The impact of the Spanish Flu epidemic played a role in the occupancy and use of the Native Village of Woody Island.
317. L-Doc 53 was withdrawn.
318. L-Doc 54 is an advertisement for the American Baptist Churches USA's Camp Woody that is situated on Woody Island. Describing the scenery on Woody Island, the advertisement states that the scenery "at Camp Woody is absolutely glorious! I wish these pictures could do justice to God's beautiful creation. Let's praise Him for creating such a wonderful place."
319. L-Doc 55 is a May 6, 1964 newspaper article authored by Phyllis Carlson and Yule Chaffin that appeared in the Seattle Times. It quotes Ella Chabitnoy as comparing the earthquake to the Mount Katmai eruption in scale of magnitude. The document is relevant in that it is firsthand source information about the devastating impact of the Great Earthquake of 1964.
320. L-Docs 56-71 are articles, research notes, diaries, and other publications of Phyllis Carlson, who lived on Woody Island in the early 1960s while working for the FAA. The documents show that Phyllis Carlson is a respected researcher and publisher, such

that her published statement that there were 20 Natives on Woody Island at the time of the earthquake should be given credence.

321. L-Doc 72 is a December 30, 1997 article in the Anchorage Daily News about an Alaska Native who had been raised in the Woody Island Orphanage and who later went on to become a football hero on a team where he played with a young Jim Thorpe in 1901. The article states that "There were a total of 126 kids who were classified as Alaskans between 1879 through 1918 (when the school closed). Kids at Wood Island...where Shouchuk came from, were nominally orphans. But that often meant they had a non-Native parent or the authorities said they had an unfit parent." The article is an example of another Woody Islander who, like Virgil Partsch, achieved national fame.
322. L-Doc 73 is an April 27, 1995 affidavit of Cecil Chabitnoy, who was born on October 17, 1937. Mr. Chabitnoy states that he was conceived of Michael and Ella Chabitnoy on Woody Island, and that he lived on Woody Island most of his life. He identifies his brothers and sisters, and lists who they married. Cecil Chabitnoy describes a number of Woody Island villagers whom he knew on Woody Island, including the Pavloff family, the Harmon family, the Sundberg family, the Simeonoff family, as well as the families of his siblings. Cecil Chabitnoy states "I still periodically go to Woody Island to live. My family has a long history there and my culture is linked to Woody Island Village." Since Cecil Chabitnoy died in 1995 shortly after the affidavit was executed, it was impossible for him to testify live at the proceedings in this case. Although his affidavit was not subject to cross examination,

and therefore is not entitled to as much weight as live testimony, the Court finds that the document is relevant in that it corroborates the presence of a number of the key Native families on Woody Island, and shows the accuracy of the Fadaoff Family Genealogy, L-Chart 5.

323. L-Doc 74 is an interview of Ella Chabitnoy by Leanna James. She describes how she went to the Mission on Woody Island in 1902. She describes having been married at the Mission to Nick Fadaoff. She described how the Natives from Woody Island used to go sea otter hunting in bidarka skin boats. The community on Woody Island was larger than the community on Kodiak when Ella Chabitnoy was growing up. She recalled the Mount Katmai eruption, described the massive cloud of dust that came over the sky. L-Doc 74 provides background information about Ella Chabitnoy, a matriarch on Woody Island.
324. L-Doc 75 is an article authored by Yule Chaffin entitled "Alaska's Unique Navy". It describes the history of the *FedAir IV* in transporting FAA personnel back and forth from Woody Island, and concludes by stating "Good-bye FedAir IV. Farewell FAA Navy. What an exciting saga you have added to the history of Alaska." The document is relevant in that it corroborates the important role the *FedAir IV* played in transporting persons and supplies to and from Woody Island.
325. L-Doc 76 is an article authored by Yule Chaffin entitled "The Earthquake Created a Hobby" describing the impact of the lowering of the land in the earthquake had on archaeological remains that had been buried under dirt, ash, and sand. Waves are now causing erosion, thereby exposing artifacts that had previously been hidden. The

article confirms that islands in the Kodiak Archipelago sank several feet as a result of the earthquake, and therefore corroborates testimony at trial that Woody Island sank several feet, resulting in loss of clam beds.

326. L-Doc 77 is another publication by Yule Chaffin, entitled "Historic Woody Island." It describes Woody Island having been cited in 1741 by the Bering expedition, and how by 1783 the Russians had established a colony on the Island. It recounts how Nick Pavloff had lived on Woody Island and begat many offspring, quotes Ella Chabitnoy's description of the history of the island, describes the ice industry that supplied 10,000 tons of ice each winter. The article recounts a number of the important "firsts" that were played out on Woody Island: "From the meager records in history, from the accounts of the Russian Aleut descendants, and from the still visible remains, it appears that Woody Island was 'first' in Alaska in a number of things. Some of her firsts include the first Russian church, the first Baptist Mission, the first road, railroad, horses, the first agriculture, the first sawmill. For an island so rich in the early history of Alaska it seems a shame that so much of that history has been lost." The article demonstrates the important role Woody Island has played in Alaskan history and buttresses Leisnoi, Inc.'s contention that the Native Village of Woody Island is an historic and traditional Native Village that was entitled to benefits under the Alaska Native Claims Settlement Act.
327. L-Doc 78 is an article authored by Yule Chaffin entitled "On Woody Island Life is Good." The article states that Woody Island "is especially rich in early history. It is here that some of the descendants of one of the oldest families in Alaska, Pavloff,

still live." The article corroborates the longstanding historical ties the Pavloff family, depicted in L-Chart 6, has with Woody Island.

328. L-Doc 79 is a March 18, 1982 eulogy of Nick Pavloff authored by Yule Chaffin. The article states that Nick's great grandfather, William E. Pavloff, had been a captain in the employ of the Russian American Company and that "After the transfer of Alaska from Russian to American hands in 1867, the...Pavloff families returned to Russia. Not all of Pavloff's family returned; however, Nicholas Pavloff, the third son, born in 1846, had married a Native girl and lived on Woody Island until his 84th year. This was our friend Nick's grandfather." The article further recounts that "Nick's grandfather had 17 children...Nick's father, William, was one of these. One of the girls was mother of Virgil Partch, who was also raised on Woody Island." Virgil Partch (Nick's cousin) later became known as one of the most talented cartoonists in the United States. He signed his cartoons "VIP" and his work was published in True, Argosy, and other magazines. The article recounts the life of Nick Pavloff on Woody Island, and describes his marriage, offspring, and some of the significant events in his life. This document is relevant to show the important role the Pavloff family has played on Woody Island throughout the years, and to establish that the current Leisnoi shareholders who are Pavloff descendants have legitimate and longstanding ties to Woody Island.
329. L-Doc 80 is a list of children at the Kodiak Baptist Mission from 1939 to 1940. Included are a number of children with by now familiar Native family names, including Fadaoff, Pagano, Pananarioff, Pavloff, and Nekeferoff.

330. L-Doc 81 is a March 24, 1988 interview by Kathleen Putman with Edward Chya, born January 11, 1963 from John and Mary Chya. Edward Chya recounts his mother having told many stories about Woody Island and "maybe eventually one day, you know, being able to move over there." Edward Chya informed Kathleen Putman that he would love to live on Woody Island and that "We used to go there -- me and my friends used to go over there as kids and walk around part of the island there and just go on the swing set over there...It was nice and quiet, it was clean...We used to go over there 'cause it was kind of private and it's kind of -- it was real peaceful." Edward Chya confirmed that his grandfather, Paul Chya, Sr., is buried on Woody Island. The document is relevant to show the longstanding ties of the Chya family to Woody Island, and to corroborate the information contained in the Chya Family Genealogy, L-Chart 4.
331. L-Doc 82 are notes pertaining to the genealogy and history of the Chya family, including the June 21, 1984 obituary of John Chya, who was "survived by his wife, Mary, 13 children, 27 grandchildren, 5 great grandchildren, a brother and 2 stepbrothers." Document 82 contains information that corroborates the data in the Chya Family Genealogy, L-Chart 4.
332. L-Doc 85 is a March 19, 1998 interview by Kathleen Putman of Michael Chya, born April 19, 1958. Michael Chya describes having played on the beach and berry picked on Woody Island. He recounted that his father, John Chya, Sr., used to tell him a lot of stories about Woody Island, including how they used to make ice on Woody Island while his father had been growing up. He stated that if he had an opportunity

to live on Woody Island, "Oh, definitely. Oh, yeah, I'd love to live over there. Oh, yeah. Oh, yeah. Oh, yeah, I would." Although Michael Chya did not testify at the hearings, and the interview was not under oath, the document evidences a desire on the part of Leisnoi shareholder Michael Chya to return to Woody Island.

333. L-Doc 86 is a January 4, 1963 article in the Kodiak Mirror about a fire on the dock at Woody Island. The document evidences one of a number of fires that plagued Woody Island over the years.
334. L-Doc 87 is the transcript of a September 21, 1996 interview by Kathleen Putman with Sara Chokwak. Sara, the daughter of Christina Lowell, informed Kathleen Putman that she was born on Woody Island in 1929. She states that her parents had lived on Woody Island "Up on the hill where that barn was, the barn was on that side and the mission on this side." She attended school on Woody Island, but moved off of Woody Island in 1938. Ms. Chokwak testified that she recalled a number of Fadaoffs as having lived on Woody Island while she was there.
335. L-Doc 88 is a July 27, 1958 article entitled "When Alaska Cooled Seattle Drinks" that appeared in the Seattle Sunday Times Magazine. It describes the ice industry shipping ice from Woody Island to San Francisco and notes that "Distributors in San Francisco, as well as Blinn's firm, wanted harder and thicker ice. A source was found on Woody Island, in Three Saints Bay, near Kodiak, where hard ice froze in sub-zero weather to a thickness of 18 to 25 inches on a 40-acre lake...Ice cutting and storage on Woody Island was done in the winter months by a crew of 150 to 200 Aleuts...The existence of the ice trade, and the investment in Alaskan ice houses and equipment to

supply ice to Seattle and San Francisco, evidently accounts in part for the rather odd figure of \$7,200,000.00 which Uncle Sam paid Russia in 1867. The \$7,000,000.00 was for Alaska; the \$200,000.00 was added by Secretary of State Seward to compensate the American Russian Commercial Company for its claims, including the loss of its ice contract..." Document 88 corroborates the important role Woody Island played in supplying ice to the United States West Coast, an interesting and unique aspect of Woody Island's history.

336. L-Doc 89 is a publication by the University of Alaska entitled "Anthropological Papers of the University of Alaska." It describes anthropological research performed in the Kodiak area in the 1930s.
337. L-Doc 90 is a January 15, 1908 letter from the Superintendent of the Kodiak Baptist Orphanage on Wood Island to Harlan Updegraff. It describes agricultural training among the Native people on Wood Island. It confirms that Nicholas W. Pavloff was on Woody Island in 1908 and describes him as being "thoroughly familiar with the country there...He is an intelligent, and educated man, and I believe his work can be relied on." The document corroborates Nicholas Pavloff's historic ties to Woody Island, and also describes life on Woody Island in 1908.
338. L-Doc 91 is an excerpt from the criminal docket, U. S. Commissioner's Court, Territory of Alaska, Third Division at Kodiak, dated August of 1929. It accuses the defendant, Simmie Dirks of stealing a boat that belonged to the Woody Island Orphanage. The document is background information showing use of Woody Island.

339. L-Doc 92 is a November 5, 1996 letter from the Smithsonian Institution's Arctic Studies Center to Mr. Edward Ward, the CEO of Leisnoi, Inc. listing a number of Native artifacts from Woody Island that are stored in the William J. Fisher Collection, National Museum of Natural History. These objects were collected in the period 1879 through 1883, and corroborate the longstanding Native use and occupancy of Woody Island.
340. L-Doc 94 is a March 9, 1980 article in the Anchorage Times entitled "Huge Quake Shook Kodiak in July, 1788." The article indicates that the 1964 earthquake was not the first such disaster to strike the Kodiak archipelago.
341. L-Doc 95 is an article by Nick Wolkoff, born in 1895 in Kodiak, describing how ice from Woody Island was sold in blocks packed in sawdust, that were loaded up on a schooner and transported to San Francisco.
342. L-Doc 96 is an April 13, 1995 affidavit of Esther Denato, who testified live at the proceedings in Kodiak. The affidavit confirms that Esther Denato is the offspring of Rudy Sundberg, Sr. and Jenny Pestrikoff Sundberg. It lists her 12 brothers and sisters, and names her ancestors that are buried on Woody Island in an old garden plot of the Pavloff family. Esther Denato states in her affidavit that she recalls Native families that were living on Woody Island while she lived there as including the Simeonoff family, the Shuravloff family, the Chabitnoy family, and the Fadaoff family. Esther Denato states "I consider Woody Island my home and I would gladly return to live there if it were economically possible. It is peaceful and a great place to live." L-Doc 96 adds some additional information and specific names of family

members. Counsel for Protestant had a full and fair opportunity to cross examine Esther Denato, and did not discredit or call into question any of the factual information contained in her affidavit. Information contained in L-Doc 96 was used to prepare the Sundberg Family Genealogy, L-Chart 30.

343. L-Doc 97 is a March 2, 1963 letter from the Kodiak and Aleutian Islands Historical Society to Yule Chaffin about a 1903 letter from Nicholas W. Pavloff to Olga M. Campbell that described how Paul Pavloff, born 1844, had lived on Woody Island and how Nicholas W. Pavloff, born in 1846, fathered 17 children. The document recounts how Nicholas W. Pavloff became the Lieutenant Governor of Alaska. L-Doc 97 corroborates the longstanding Pavloff ties to Woody Island.
344. L-Doc 98 is a letter to Area Directors of the Bureau of Indian Affairs pertaining to efforts by Indian tribes to acquire various pieces of real property.
345. L-Doc 99 is an April 11, 1973 letter from Hank Eaton, Vice President of Koniag, Inc., to Roy Peratrovich, Superintendent of Bureau of Indian Affairs. The letter is another request for transfer of FAA housing units to Woody Island Village. Like L-Doc 34, the document is relevant to show the desire and intent of Woody Island villagers to return to live on Woody Island. Objective evidence manifesting an intent and desire to return to Woody Island in 1973 supports the inference that the Natives desired and intended to return to Woody Island in 1970.
346. L-Doc 100 is a July 30, 1970 article in the Kodiak Mirror confirming that "The FAA is now scheduling the move of FSS personnel who have school-age children from Woody Island to Kodiak prior to the beginning of the fall term of school in the first

week of September." Closure of the school on Woody Island, and the move of the FAA Flight Service Station to Kodiak adversely affected the ability of Natives to live and seek employment on Woody Island.

347. L-Doc 101 is an August 21, 1971 article about difficulties in transferring the FAA Flight Service Station from Woody Island to the Kodiak base complex. Scale-back in FAA operations on Woody Island resulted in a loss of employment opportunities for Natives on Woody Island.
348. L-Doc 102 was withdrawn.
349. L-Doc 103 is a letter dated March 11, 1997 from Edson Fadaoff to Frank Feichtinger confirming that "I lived on Woody Island from 1956 to 1965. My parents were Edson Fadaoff and Mary Fadaoff. Our house is still on Woody Island. I sold it to Roy Madsen about 10 years ago...My mother raised my brother Joe and I. We went to school at the old FAA Station on the other side of the island. My mother married again to Nicholas Pavloff." Although the letter is unsworn, and Edson Fadaoff did not testify live at trial so he could not be cross examined, the background genealogical information was not disputed by the Protestant, and the sale of the Fadaoff home to Roy Madsen was corroborated by testimony of Judge Roy Madsen, who was subject to cross examination. Information contained in L-Doc 103 was used in creating the Fadaoff Family Genealogy, L-Chart 5.
350. L-Doc 104 is a September 28, 1967 letter to the Court by James O. Fadaoff, who had been convicted of committing manslaughter upon Rosemary Challiak. In it, he states "I plan to return to my home on Woody Island where I was caretaker of my mother's

homestead..." James Fadaoff expressed his remorse for "the awfulness of the crime for which I'm convicted" and noted that he will "have to carry this crime on my conscience for the rest of my life." The document corroborates the tragedy of the manslaughter of Rosemary Chaliak, and also shows the intent of James Fadaoff to have returned to Woody Island, an intent that was not fulfilled due to James Fadaoff's suicide in prison.

351. L-Doc 105 is another letter by James O. Fadaoff, this time to Judge Ralph Moody seeking a modification of the sentence that had been imposed upon Mr. Fadaoff. The document has the same relevance as does Document 104.
352. L-Doc 106 was withdrawn.
353. L-Doc 107 is a May 1, 1971 article confirming that the *FedAir IV* is for official use only. The *FedAir IV* had been used by Natives for transport to and from Woody Island, and the restriction that had been announced earlier and then confirmed again by the FAA made it difficult for Natives on Woody Island to commute back and forth to Kodiak.
354. L-Doc 108 is the Investigative Case Report prepared by Frank Feichtinger. The report summarizes the investigation conducted by Frank Feichtinger and his staff into the history, places, and peoples of Woody Island specific to the certification of Leisnoi, Inc. under ANCSA. The document is an authoritative and compelling compilation of the a large quantity of evidence pertaining to Woody Island that was described at length in earlier findings of fact pertaining to the history of Woody Island.

355. L-Doc 109 is a December 12, 1979 newspaper article in the Kodiak Daily Mirror describing the fire that was "fanned by winds gusting up to 70 miles an hour" that raged through the Federal Aviation Administration housing and warehouse area on Woody Island". The fire marked a tragic end to the first effort by the Leisnoi Board of Directors to repopulate the Native Village of Woody Island.
356. L-Doc 110 is an old drawing of the Kodiak harbor with notations that "The Native settlement was removed from here by the Russians in 1837 on account of smallpox."
357. L-Doc 111 is a drawing of the Three Saints Bay Kodiak Island from the northwest noting that the first Russian settlement on Kodiak had been deserted, but then occupied by Creole families.
358. L-Doc 112 is a drawing of a view of the Devil's Prongs Mountains from the Anchorage off of Kodiak.
359. L-Doc 113 is a July 3, 1971 article in the Island Times describing how the Kodiak Baptist Mission had burned in 1937, and how Navy barracks had been built during World War II that were later turned into apartments for Civil Aeronautics Administration families.
360. L-Doc 114 is a June 29, 1895 article describing the destruction of the Woman's American Baptist Home Mission Orphanage on Woody Island. The article confirms that Nicholas Fadaoff had been present on the island.
361. L-Doc 115 is a 1916 report describing the missionary work being performed at the Woody Island Orphanage.

362. L-Doc 116 is an April 6, 1978 publication in the No. 6 of Elwani, describing the Baptist Mission on Woody Island. The article quotes Natalie Fadaoff Simeonoff who "spent many years on Woody Island. She knows the place by heart. She lived close to the Kodiak Baptist Mission and it was a part of their family life." The article corroborates some of the testimony given by Dr. Nancy Yaw Davis to the effect that for Mission children, the Mission itself would take on the role of an extended family.
363. L-Docs 117-119 are two affidavits from Mitch Gregoroff, as well as a letter to Frank Feichtinger from Mitch Gregoroff. The affidavits confirm and corroborate some of the testimony that Mitch Gregoroff gave live at the hearings.
364. L-Docs 120 and 121 were withdrawn.
365. L-Doc 122 is an April 12, 1995 affidavit of Anita Elizabeth Hartman, the daughter of Rudy Sundberg, Sr. and Jenny Pestrakoff Sundberg. Anita Hartman states that her grandmother is Angeline Maliknak, and identifies Johnny Maliknak as her uncle. Ms. Hartman states that she considers Woody Island to be her home, and notes that if it were not for her arthritic condition that makes it difficult for her to get into a boat, "I would be returning to Woody Island regularly as I did in the past with family members were it not for my medical condition." Anita Hartman recounts the Chabitnoy family as having lived on Woody Island in the 1960s, as well as the Simeonoff family. She states that her uncle is Nick Pavloff, her aunt is Agnes Frump, and that her brothers and sisters include Rudy Sundberg, Jr., Ellen Sundberg, Esther Denato (who testified at the hearings in Kodiak), and several others. Since Anita Hartman did not testify live at trial and she was not subjected to cross